

THIS IS A
NON DISCIPLINARY
ORDER

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
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P.O. Box 45029
Newark, New Jersey 07101

FILED

OCTOBER 16, 2008

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Doreen A. Hafner
Deputy Attorney General
(973) 648-7454

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	ADMINISTRATIVE ACTION
OR REVOCATION OF THE LICENSE OF	:	
	:	
FRANCIS C. D'MELLO, M.D.	:	INTERIM CONSENT ORDER
LICENSE NO. 25MA 03595000	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the Medical Practitioner Review Panel ("Panel") of the New Jersey State Board of Medical Examiners upon its receipt of a Malpractice Payment Report indicating a malpractice payment was made on behalf of Francis C. D'Mello M.D. ("Dr. D'Mello") to the estate of Mr. Daniel Libutti. As part of its investigation, Dr. D'Mello was directed to appear and testify before the Panel. On April 20, 2007, Dr. D'Mello testified before the Panel regarding his care, treatment, and prescribing practices for Daniel Libutti and five other patients.

The aforementioned testimony and record-keeping practices of Dr. D'Mello has raised serious concerns about his overall ability to practice medicine, specifically his overall medical competence,

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his prescribing of medications, and his record-keeping abilities.

The Board being satisfied that entry of this Interim Consent Order is adequately protective of the public health, safety, and welfare, and for good cause shown,

IT IS on this 16th day of October, 2008,

ORDERED:

1. Francis C. D'Mello, M.D. ("Dr. D'Mello") will promptly undergo a full evaluation and assessment at the Upstate NY Clinical Competency Center-Albany Medical College ("Albany").

2. Dr. D'Mello agrees to contact Albany within three weeks of the entry of this Interim Consent Order to schedule an evaluation and assessment by Albany's Professional Medical Competency Assessment Program. Dr. D'Mello shall provide the Board and the Attorney General with documentation confirming the scheduling of this evaluation and assessment.

3. Dr. D'Mello will fully and satisfactorily complete the entirety of any recommendations Albany may make with regard to practice restrictions, monitoring, and/or educational programs, including any requirements set forth in an individualized Prescription for Improvement developed for Dr. D'Mello. For purposes of this Interim Consent Order, full and satisfactory completion shall mean:

i. Dr. D'Mello has fully complied with all of the requirements of Albany's evaluation and assessment, as well as, any recommendations made by Albany;

ii. Albany has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. D'Mello has satisfactorily and fully completed any recommendations Albany has made with regard to practice restrictions, monitoring, and/or educational programs; and

iii. Albany has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. D'Mello has the knowledge base to practice medicine with reasonable skill and safety.

4. If Dr. D'Mello fails to substantially comply with the terms of this Interim Consent Order or Albany's recommendations or requirements with regard to an evaluation and assessment, practice restrictions, monitoring, and/or educational programs, such conduct will constitute a failure to cooperate with a Board investigation, a violation of N.J.A.C. 13:45C-1.1, et seq., and shall be deemed to constitute professional misconduct in violation of N.J.S.A. 45:1-21(e). In that event, the Attorney General or the Board may commence a disciplinary proceeding seeking, among other things, the suspension of Dr. D'Mello's license to practice medicine.

5. The Board and the Attorney General will have full and complete access to any communications between Dr. D'Mello and

Albany, and will have full and complete access to any reports, recommendations or evaluations issued by Albany or by any consultant that Albany recommends, including but not limited to the release of the assessment and evaluation report, any medical or neuropsychological evaluations, and any Prescription for Improvement developed for Dr. D'Mello. Dr. D'Mello hereby authorizes Albany to provide copies of any recommendations, evaluations, or reports to the Board and the Attorney General simultaneously with their provision to Dr. D'Mello. In addition, the Board, its agents and employees, including but not limited to the Medical Director of the Board, may communicate directly with Albany from time to time with regard to Dr. D'Mello's participation in any evaluation or assessment, monitoring plan, or educational program.

6. Dr. D'Mello specifically acknowledges that any recommendations, evaluations, or reports issued by Albany may be introduced as a matter of public record during the course of any future disciplinary proceedings.

7. The Attorney General and the Board may provide to Albany whatever information they may possess with regard to Dr. D'Mello. Such submissions may include the record of the proceedings before the Medical Practitioner Review Panel on April 20, 2007, medical records, expert reports, and statements of witnesses. Dr. D'Mello's counsel shall be informed of the materials the Board and the

Attorney General submit to Albany. Said release of the record by the Board or the Attorney General shall not entitle any member of the public to a copy of said documents to the extent they are confidential pending final disposition of the Board's investigation pursuant to N.J.S.A. 45:1-36.

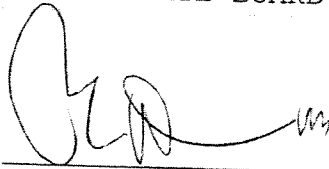
8. Dr. D'Mello shall be solely responsible for whatever costs are associated with his participation in any evaluation or assessment by Albany, and his compliance with any recommendations or requirements set forth by Albany.

9. The parties hereby stipulate that entry of this Interim Consent Order is without prejudice to further investigation and/or disciplinary action by the Board or the Attorney General resulting from any violations of the statutes or regulations governing the practice of medicine in the State of New Jersey that the Board or the Attorney General may discover during the course of the continuing investigation.

10. The parties stipulate that the entry of this Interim Consent Order is without admission of any wrongdoing by Dr. D'Mello and does not constitute a disciplinary action by the Board. The Board has made no adjudication on the merits of any allegations regarding Dr. D'Mello.

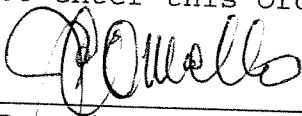
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By:



Paul C. Mendelowitz, M.D.
President

I have read the within Consent Order
and agree to be bound by its terms.
I understand the meaning and effect
of this Order and understand that it
has serious legal consequences.
Consent is hereby given to the Board
to enter this Order.

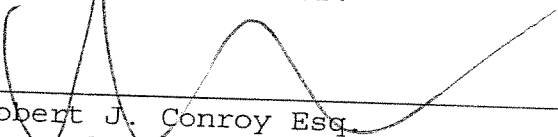


Francis C. D'Mello, M.D.

Sept 25th 2008

Date

I hereby consent to the form and entry
of the within Order.



Robert J. Conroy Esq.
Counsel to Francis C. D'Mello, M.D.